FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance filed by the owner of the subject property, Christus Victor Lutheran Church, by Sally A. Everhart, President. The Petitioner seeks relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-residential principal building front setback of 25 feet in lieu of the minimum required 40 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petitioner were Sally A. Everhart, President, and Kenneth H. Homer. Also appearing on behalf of the Petition was Geoffrey C. Schultz, Professional Engineer with McKee and Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 9833 Harford Road, consists of a grosp area of 2.69 acres, more or less, zoned D.R. 5.5 and is the site of the Christus Victor Lutheran Church. The Petitioner is desirous of expanding the existing building, which has existed on the property since 1962, to provide a new sanctuary for its growing membership. Ms. Sally Everhart testified that the existing building can only seat a maximum of 80 persons whereas the proposed expansion will provide seating for up to 200 parishioners. Due to the unusual shape of the lot and the location of existing improvements thereon, the requested

variance is necessary in order to proceed as proposed. Further testimony revealed that the requested variance will permit the front of the Church to maintain its present orientation to the south which affords the best natural lighting for the stained glass window panels throughout the existing and proposed Church building.

It should be noted that the Developers Engineering Section of the Department of Public Works advised this Office in its comments dated December 13, 1993 that this site is subject to compliance with State Highway Administration road widening and entrance standards. Testimony and evidence presented at the hearing indicated that the Petitioner has resolved this issue and that the required distance to the ultimate right-of-way line after dedication of the 35-foot setback mandated by the State will be maintained.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

1) The Petitioners may apply for their building

LES:bjs

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 9833 Harford Road

which is presently zoned DR-5.5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.1 (DR-5.5) to permit a non-residential principal building front setback of 25 feet in a DR-5.5 zone in lieu of the minimum required 40 feet.

of the Zoning Regulations of Betimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The church is proposing a new sanctuary to meet their growing needs, however, given the location of the existing building and parking lot, the addition cannot be reasonably positioned on the property without receiving the requested variances.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to

			I/We do solemnly declare and affirm under the penalistic of the pe	whee of perjury, that I/we
ntract Purchaser/Lessee			legal owner(s) of the property which is the subject of a Legal Owner(s)	his Putition
			Sally A. Everharit, Pres	ident AR
ce or Print Name;			(Type or Fryst Name)	raciic y
			Salle a En	1 Del
PALOR			Sminature Grand	THATA
SC ess.			(Type or Pint Name)	
	France			_
•	Siane	Z-pc-ode	Signature Victor Luthora	n Church
	State	Zocode	Christus Victor Luthera 9833 Harford Road	n Church 688-8089
omey for Petitions:	State	Z-pc-ode	Christus Victor Luthera	
omey for Petitione	State	Zipcode	Christus Victor Luthera 9833 Harford Road Address Baltimore, Maryland 21	688-8089
orey for Petitione:	State	Zipcode	Christus Victor Luthera 9833 Harford Road	688-8089 Phone No. 234
or or Print Names	State	Zpcode	Christus Victor Luthera 9833 Harford Road Address Baltimore, Maryland 21	Phone No 234 7:pcode to be contacted
omey for Perisions: De or Print Name; Milling	State		Christus Victor Luthera 9833 Harford Road Address Baltimore, Maryland 21 Cry Graph Name Address and phone number o representative m	Phone No 234 7:pcode to be contacted
omey for Perisions: De or Print Name; Milling	Phone	No	Christus Victor Luthera 9833 Harford Road Address Baltimore, Maryland 21 Cry Name Address and phone number o representative n McKee & Associates, Inc Name 5 Shawan Road, Hunt Val	688-8089 Phone No 234 7:pcode to be contacted 527-1555
pe or Print Name,			Christus Victor Luthera 9833 Harford Road Address Baltimore, Maryland 21 Cny Name Address and phone numbers representative w McKee & Associates, Inc	688-8089 Phone No 234 7:Decode to be contacted 527-1555

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone: (410) 527-1555 Facsimile: (410) 527-1563

November 22, 1993

ZONING DESCRIPTION 9833 HARFORD ROAD 11TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Harford Road (70 feet wide) at the distance of 500 feet more or less west of the centerline of Summit Avenue (40 feet wide); thence running along Harford Road South 29° 21' 22" West 200.05 feet to a point; thence leaving said road and running the five following courses and distances: South 60° 47' 38" East 610.86 feet, North 34° 30' 31" East 128.53 feet, North 38° 46' 37" West 214.11 feet, South 51° 13' 23" West 10.03 feet, and North 60° 38' 38" West 419.96 feet to the place of beginning as recorded in deed Liber 3362, folio 498. Containing 2.691 acres of land, more or less.

Being known as 9833 Harford Road and located in the 11th Election District.

After due consideration of the testimony and evidence presented,

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 100 day of January, 1994 that the Petition for Variance seeking relief from Section 1B01.2.C.1 of the B.C.Z.R. to permit a non-residential principal building front setback of 25 feet in lieu of the minimum required 40 feet for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

> > Zoning Commissioner for Baltimore County

CERTIFICATE OF POSTING MING DEPARTMENT OF BALTIMORE COUNTY 94-218-A

1. 16.	
District 11 th	Date of Posting 12/1993
Posted for: VINIA	
Petitioner: Sally A. Everyort	
Location of property: 9933 Harford N	24, 5E/5, 500' W Summet 1840
Location of Signer Facing for & Way 0	a proporty being Forest
Remarks:	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Posted by My Mesty	12/12/22
Signature	Date of return: 13/17/23
Number of Signs:	

Case Number: 94-218-A

Salty A. Everhart HEARING: WEDNESDAY, DECEMBER 29, 1993 a 10:00 a.m. in Rm. 118, Ok

dential principal building from swiback of 25 feet in lieu ut the

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of

weeks, the first publication appearing on 129, 1993

THE JEFFERSONIAN. LEGAL AD. - TOWSON

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 7, 1094

Ms. Sally A. Everhart c/o Christus Victor Lutheran Church 9833 Harford Road Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE SE/S Harford Road, 500' W of the c/l of Summit Avenue (9833 Harford Poad) 11th Election District - 6th Councilmanic District Christus Victor Lutheran Church - Petitioner Case No. 94-218-A

Dear Ms. Everhart:

LES:bjs

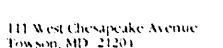
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Mr. Geoffrey C. Schultz McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md. 21030 People's Counsel; Fife

Zoning Administration & Development Management OUROCKOZARATOREC BA 2000に10AP6!1・22-全3



CONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come fice and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising: PLEASE FORWARD ADVERT.SING BILL TO: NAME: MCKE & Associates Inc. ADDRESS: 5 Showen Road Heat Valley 111d 21030 (410) 527-1555

(Revised 04/09/93)

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

December 20, 1993

Ms. Sally A. Everhart, President Christus Victor Lutheran Church 9833 Harford Road Baltimore, Maryland 21234

> RE: Case No. 94-218-A, Item No. 218 Petitioner: Christus Victor Lutheran Church Petition for Variance

Dear Ms. Everhart:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 23, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Item Number:

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the

Need an attorney The following information is missing: Descriptions, including accurate beginning point Actual address of property Acreage Plats (need 12, only ____ submitted)
200 scale zoning map with property outlined Election district Councilmanic district BCZR section information and/or wording Hardship/practical difficulty information Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser Power of attorney or authorization for person signing for legal owner and/or contract purchaser Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number Notary Public's section is incomplete and/or incorrect and/or commission has expired WHO IS LEGAL OWNER? SALLY EVERHART IS

PRESIDENT OF WHAT?

PET-FLAG (TXTSOPH) 11/17/93

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 13, 1993 Zoning Administration and Development Management

FROM Developers Engineering Section

Zoning Advisory Committee Meeting for December 13, 1993 Item No. 218

The Developers Engineering Section has reviewed the subject zoning item. This site is subject to State Highway Administration road widening and entrance standards. The existing fire hydrant must be relocated beyond the proposed curb line. See our previous comments for the Limited Exemption Plan regarding the highway requirements and the landscape requirements.

RWB:s

TO: PUTUXENT PUBLISHING COMPANY December 9, 1993 Issue - Jefferzonian

5 Shawan Road Hunt Valley, Maryland 21030 420-527-1555

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapenke Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-218-A (Item 218) 9833 Harford Road SE/S Harford Road, 500'+/- W of c/l Summit Avenue 11th Election District - 6th Councilmanic Petitioner(s): Sally A. Everhart HEARING: WEDNESDAY, DECEMBER 29, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance to permit a non-residential principal building front setback of 25 feet in lieu of the minimum

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Please foward billing to:

McKee & Associates, Inc.

NOTICE OF HEARING

Petitioner(s): Sally A. Everhart HEARING: WEDNESDAY, DECEMBER 29, 1993 at 10:00 a.m. in Rm. 118, 01d Courthouse. Variance to permit a non-residential principal building front methack of 25 feet in lieu of the minimum

111 Wes! Chesapeake Avenue

DECEMBER 1, 1993

CASE NUMBER : 94-218-A (Item 218)

SE/S Harford Road, 9001+/- W of c/l Summit Avenue

11th Election District - 6th Councilmanic

9833 Harford Road

Towson, MD 21204

cc: Sally Everhart/Christus Victor Lutheran Church McKee & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DAIL. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Admanistration and Development Management

NOTICE OF HEARING

Room 106 of the County Office Buildin; 111 W. Chesapeake Avenue in Townen, Maryland 21264

The Zoning Commissioner of Baltimure County, by authority of the Zoning Act and Regulations of Baltimure

County, will hold a public hearing on the property identified herein in

Room 118, Old Courthouse, 400 Washington Evenue, Townson, Maryland 21264 as follows:

(419) 887-3353

িই Printed with Soybean Ink

Maryland Department of Transportation State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

11-30-93

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Baltimore County Item No.: * 219 (RT

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

DAYIO N. RAMSEY ACTING CHIEF

Engineering Access Permits

My telephone number is ____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: December 6, 1993

Pat Keller, Peputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 211, 214, 218 and 220.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:lw

ZAC.214/PZONE/ZAC1

Baltimore County Government Department of Permits and Licenses	
111 West Chesapeake Avenue Towson MD 21204 DECEMBER 6, 1993 (410) 887 3610	
Ainold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204	
ZONING AGENDA: MEFTING OF DECEMBER 6, 1993	
Froperty Owner: Sally A. Everhart Location: #9833 Harford Road Item No.: +218 (RT)	
Comment: The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.	
Property Owner: Michael Annen & Farbara Annen and John N. Annen Location: #17527 Troyer Road Item No.: *219 (RT)	
Comment: The Fire Prevention Bureau has no comments at this time.	
Property Owner: Mark A. Guelta & Joan K. Guelta Location: #5832 Stevens Road Item No.: *220 (JCM)	
Comment: The Fire Prevention Bureau has no comments at this time.	
Gentlemen:	
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments are applicable and required to be corrected or incorporated into the final plans for the property.	
Reviewer Fire Frevention Bureau Lieutenant Robert Sauerwald 887-4880	
Printed with Southean ink	
on Recycled Paper	
BALTIMORE COUNTY, MARYLAND	
INTER-OFFICE CORRESPONDENCE	
TO: Arnold Jablon, Director Zoning Administration and Development Management Development Management	
FROM: Pat Keller, Deputy Director Office of Planning and Zoning	
SUBJECT: Petitions from Zoning Advisory Committee	

The Office of Planning and Zoning has no comments on the following petition(s):

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If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC.214/PZONE/ZAC1

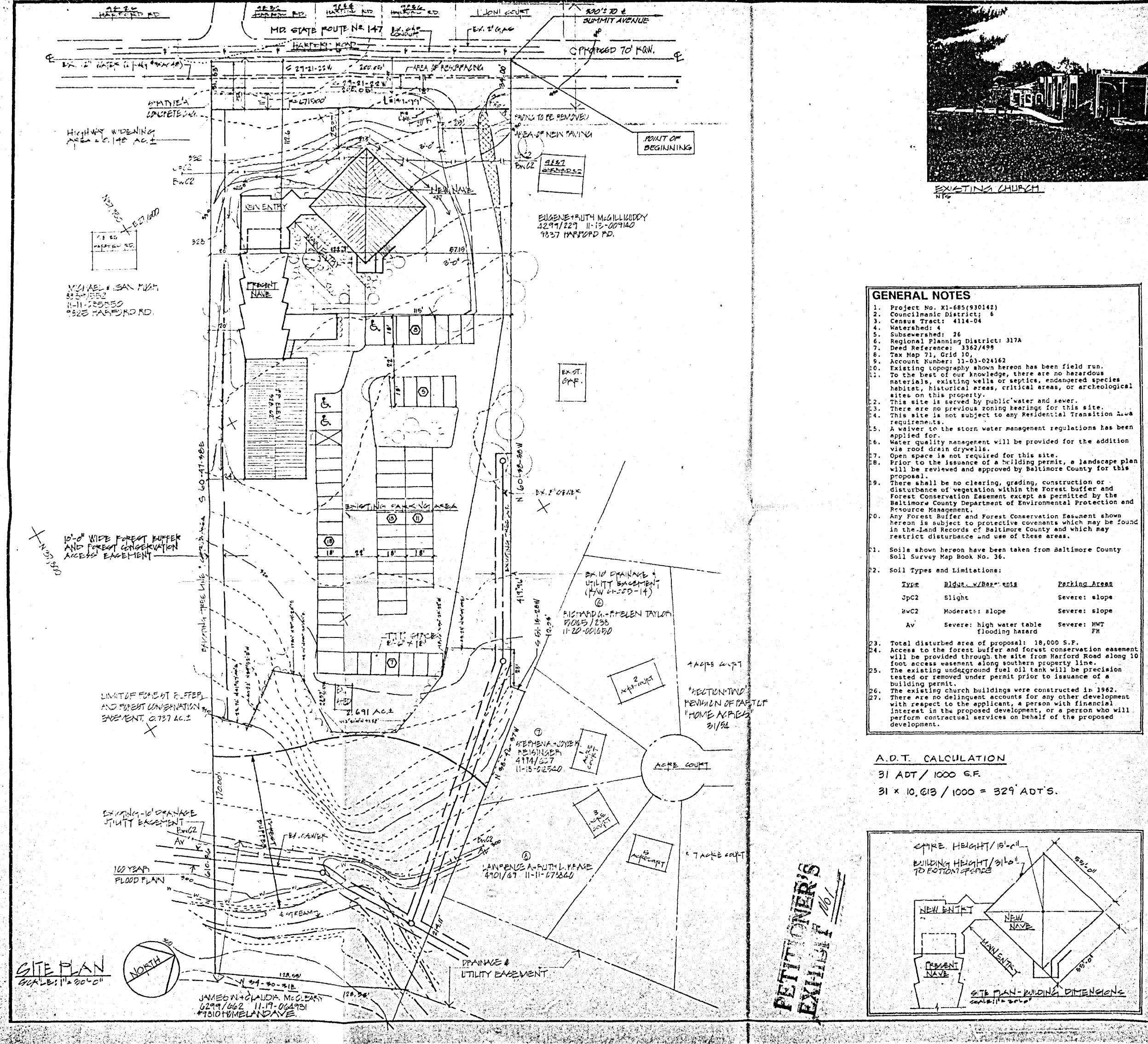
PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

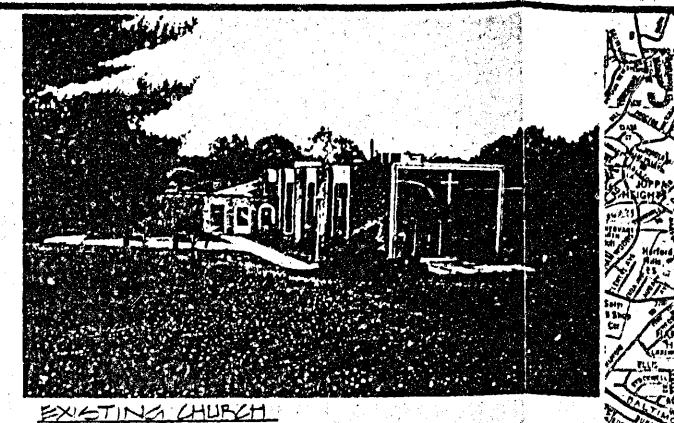
NAME

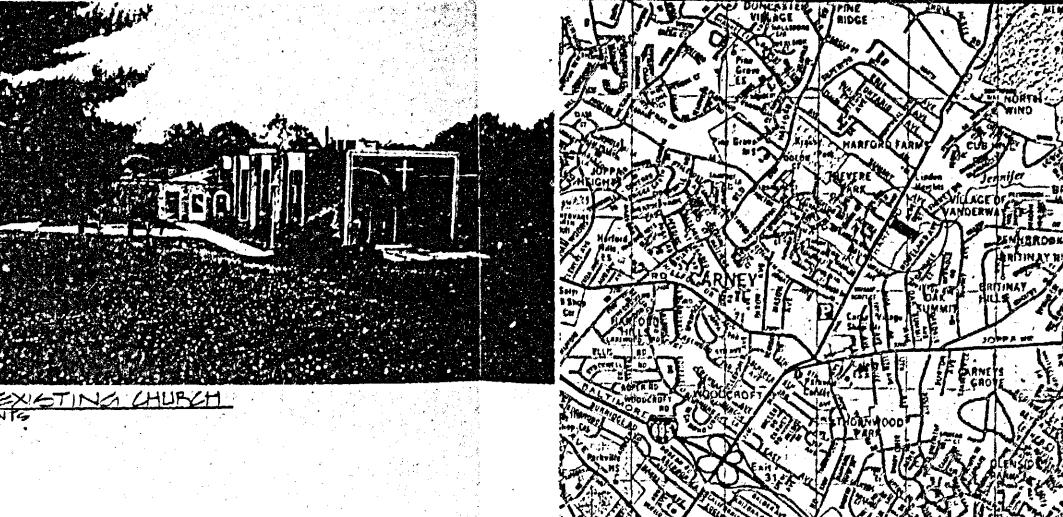
Kenneth H: Homer
Sally A. Everhart

9833 Harford Rd.









ADC VICINITY MAP 1 = 2000

FOREST CONSERVATION TABULATION

Gross Area of Site: Area within 100 yr. Flood Plain: 2.69 Ac. 0.28 Ac. Net Tract Area: 2.41 Ac. Afforestation Threshold: 151 = 0.36 Ac. 20% # 0.48 Ac. Conservation Threshold: Forest to be Cleared: 0.00 Ac. ± Forest to Remain: 0.44 Ac. ± 8. Reforestation Required: 0.00 Ac. ± 9. Afforestation Required: 0.00 Ac. ±

ZONING TABULATION

 Existing Use of Property:
 Proposed Use of Property:
 Existing Zoning of Site: Gross Area: 5. Highway Widening Area:6. Net Area of Site: 7. Floor Areas:

2.543 Ac. ± Existing: 6,613 SF 4,000 SF Proposed: **建筑设置的优势设备** 10,613 SF

Religious Worship

Religious Worship

2.691 Ac. ±

0.148 Ac. ±

8. Floor Area Ratio: 10,613 SF/2.691 Ac. * 9. No. of Seats in Sanctuary: 10. Parking Required:
200 seats # 1 per 4 seats = 50 spaces
11. Parking Provided: 6f Spaces

ZONING REQUEST

Requesting A Variance to Section 1B01-2.C.1 (DR-5.5) to Permit A Non-residential Principal Building Front Setback of 25 Feet in A DR-5.5 Zone in Lieu of the Minimum Required 40 Feet.

94218-4

PETITIONER'S EXHIBIT CHRISTUS VICTOR LUTHERAN CHURCH

ZADM:X1685 COUNCILMANIC DISTR.: 6

BALTIMORE COUNTY, MD.

PLAN: 1"=30"

PLANNING NO: 93014-Z ELECTION DISRICT: CENSUS TRACT: 4114-04

REVISIONS

OWNER CHRISTUS VICTOR LUTHERAN APPLICANT 9833 HARFORD ROAD **CARNEY, MD 21234**

Proi. No. 9308 Date 9/8/93 .

Parking Areas

Severe: slope

Severe: slope

Severe: HWT